IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P. (C) No.1377/2006

% Date of Decision: 18th September, 2007

NISHPAKSH ..... Petitioner
! Through: Mr.Rajiv Awasthi, Advocate

versus

$ GOVT. OF NCT OF DELHI & ANR. ..... Respondent
^ Through: Mr.Ravinder Srivastava, Senior Advocate with Mr.Mansoor Ali, Mr.Apoorva Misra and Mr.Kunal Rajput, Advocate for respondent Discoms.

CORAM:
* **HON'BLE MR.JUSTICE T.S.THAKUR**
* **HON'BLE MS. JUSTICE VEENA BIRBAL**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

T.S.THAKUR, J. (ORAL)

1. In this petition filed in public interest, the petitioner has prayed for the following reliefs:

> (a) issue an appropriate writ, order or direction in the nature of mandamus directing the respondents to perform its statutory obligations and to ensure no theft of electricity in any part of the

national capital territory of Delhi and for taking immediate action in the area and against the person who are openly committing theft of electricity such as the details and the area mentioned by the petitioner;

(b) issue an appropriate writ, order or direction in the nature of mandamus for independent inquiry/investigation with regard to the affairs of the distribution companies in revenue collection by way of wrong/exorbitant billing and for intentionally and deliberately abetting the theft of electricity and also not taking action inspite of various complaints made to them and take action against all the erring officers of the respondents for inaction on their part and causing crores of rupees revenue loss to the government and burdoning the public at large;

(c) call for the records pertaining to the meetings of the Government as well as distribution companies regarding the instructions issued by the Government for not taking action against the person involved in the electricity theft including Jhugi Jhopries;

(d) Any other and further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. The counter affidavit filed by respondent No.2 BSES Rajdhani Power Limited, inter alia, states that the Hon'ble Supreme Court is seized of the issue relating to quality of supply of electric energy including theft and anti-theft enforcement in a writ petition filed before their Lordships under Article 32 of the Constitution of India. Copies of orders passed by the

Supreme Court from time to time in writ petition No.328/1999 titled Power Crisis in NCT of Delhi v. Union of India have also been placed on record along with counter affidavit in an attempt to show that the matter is already being monitored by the Apex Court. That position is not disputed by Mr.Awasthi, learned counsel for the petitioner. What is argued by him is that the petitioner has made a large number of complaints to the power companies pointing out specific cases of theft of energy to which the companies have not responded. He submits that the omission on the part of the respondents to respond to the complaints and the information regarding theft provided by the petitioner from time to time makes out a case for a parallel inquiry by this Court in the present proceedings. We do not think so. Since the matter is being examined by their Lordships in W.P. (C) 328/1999 and since theft of energy and anti-theft measures which need to be taken are also issues that are being examined by the Supreme Court, no useful purpose would be served in starting a parallel inquiry in the present proceedings. If the petitioner has any grievance regarding the failure of the respondents to respond to the complaints made to them it may intervene in the proceedings in the Supreme Court and seek appropriate directions in the same. With the above

observations, this writ petition is dismissed. No costs.

T.S.THAKUR, J

VEENA BIRBAL, J

SEPTEMBER 18, 2007
srb